

Assembly Bill No. 1481

CHAPTER 535

An act to add Section 13552.5 to the Water Code, relating to water.

[Approved by Governor October 12, 2007. Filed with
Secretary of State October 12, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1481, De La Torre. Waste discharge and water reclamation requirements: recycled water: landscape irrigation uses.

Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements in accordance with the federal national pollutant discharge elimination system (NPDES) permit program and the Porter-Cologne Water Quality Control Act (state act). The state act authorizes the state board or a regional board to prescribe general waste discharge requirements if certain requirements are met.

This bill would require the state board, on or before July 31, 2009, to adopt a general permit for landscape irrigation uses of recycled water for which the State Department of Public Health has established uniform statewide recycling criteria. The bill would require the state board to establish a reasonable schedule of fees to reimburse the state board for the costs it incurs in implementing, developing, and administering these provisions. The bill would prescribe the manner in which an applicant may become subject to the general permit. The bill would require the state board to designate an ombudsperson to coordinate and facilitate communication on recycled water, on the issuance of specified water reclamation and waste discharge requirements, and on the promotion of water recycling while ensuring reasonable protection of water quality.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares as follows:

(a) On September 22, 1989, the United States Environmental Protection Agency granted the State of California, through the State Water Resources Control Board and the California regional water quality control boards, the authority to issue national pollutant discharge elimination system (NPDES) permits pursuant to Part 122 (commencing with Section 122.1) and Part 123 (commencing with Section 123.1) of Title 40 of the Code of Federal Regulations.

(b) Section 122.28 of Title 40 of the Code of Federal Regulations provides for the issuance of general permits to regulate a category of point sources of pollution if the sources meet all of the following requirements:

- (1) Involve the same or substantially similar types of operations.
- (2) Discharge the same type of waste.
- (3) Require the same type of effluent limitations or operating conditions.
- (4) Require similar monitoring.
- (5) Are more appropriately regulated under a general permit instead of individual permits.

(c) General waste discharge requirements expedite the processing of requirements, simplify the application process for dischargers, better utilize limited staff and resources, and avoid the expense and time involved in repetitive public noticing, hearings, and permit adoptions.

(d) The Legislature has declared a policy for the state to undertake all possible steps to encourage the development of water recycling facilities so that recycled water may be made available to help meet the growing requirements of the state.

(e) The Legislature has declared that the use of potable domestic water for nonpotable uses, including, but not limited to, irrigation uses for cemeteries, golf courses, parks, and highway landscaped areas, is a waste and unreasonable use if recycled water is available to meet the conditions needed for the use.

(f) The 2002 Recycled Water Task Force, convened pursuant to Section 13578 of the Water Code, concluded that inconsistent regulation of water recycling by state and local officials leads to confusion and uncertainty with regard to the design and management of water reuse systems. That inconsistent regulation appears to have led to the imposition of overly restrictive water recycling requirements and added costs, thereby creating an obstacle to achieving the full potential for water reuse.

(g) The 2002 Recycled Water Task Force recommended that the state board appoint and empower a key person to act as ombudsperson with regard to the water recycling permits issued by the various regional boards.

(h) Therefore, it is the intent of the Legislature to create a uniform interpretation of state standards to ensure the safe, reliable use of recycled water for landscape irrigation uses consistent with state and federal water quality law.

SEC. 2. Section 13552.5 is added to the Water Code, to read:

13552.5. (a) (1) On or before July 31, 2009, the state board shall adopt a general permit for landscape irrigation uses of recycled water for which the State Department of Public Health has established uniform statewide recycling criteria pursuant to Section 13521.

(2) The state board shall establish criteria to determine eligibility for coverage under the general permit.

(3) For the purpose of developing the general permit and establishing eligibility criteria to carry out paragraph (1), the state board shall hold at least one workshop and shall consult with and consider comments from the regional boards, groundwater management agencies and water replenishment

districts with statutory authority to manage groundwater pursuant to their principal act, and any interested party.

(4) The general permit shall include language that provides for the modification of the terms and conditions of the general permit if a regulatory or statutory change occurs that affects the application of the general permit or as necessary to ensure protection of beneficial uses.

(b) The state board shall establish a reasonable schedule of fees to reimburse the state board for the costs it incurs in implementing, developing, and administering this section.

(c) Following the adoption of the general permit pursuant to this section, an applicant may obtain coverage for a landscape irrigation use of recycled water by filing a notice of intent to be covered under the general permit and submitting the appropriate fee established pursuant to subdivision (b) to the state board.

(d) Coverage under the general permit adopted pursuant to this section is effective if all of the following apply:

(1) The applicant has submitted a completed application.

(2) The state board has determined that the applicant meets the eligibility criteria established pursuant to paragraph (2) of subdivision (a).

(3) The state board has made the application available for public review and comment for 30 days.

(4) The state board has consulted with the appropriate regional board.

(5) The executive officer of the state board approves the application.

(e) (1) Except as provided by modification of the general permit, a person eligible for coverage under the general permit pursuant to subdivision (d) is not required to become or remain subject to individual waste discharge requirements or water reclamation requirements.

(2) For a landscape irrigation use of recycled water, a person who is subject to general or individual waste discharge requirements prescribed pursuant to Section 13263 or 13377, or is subject to individual or master water reclamation requirements prescribed pursuant to Section 13523 or 13523.1, may apply for coverage under the general permit adopted pursuant to this section in lieu of remaining subject to requirements prescribed pursuant to those sections.

(f) (1) The state board shall designate an ombudsperson to coordinate and facilitate communication on recycled water, on the issuance of water reclamation requirements or waste discharge requirements, as applicable, pursuant to Section 13523 or 13523.1 or this section, and on the promotion of water recycling while ensuring reasonable protection of water quality in accordance with applicable provisions of state and federal water quality law.

(2) The person appointed pursuant to paragraph (1) shall facilitate consultations between the state board and the regional boards relating to matters described in that paragraph.